

## THE APPROPRIATIONS PROCESS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was not going to speak to the topic, but I do want to tell the gentleman from Florida that as a member of the Subcommittee on Immigration and Claims of the Committee on the Judiciary, I will look intently at his issue, and I appreciate his bringing this to the attention of the House.

I would hope that the different extremes of thought, the fact that people should not be discriminated against but the fact that we should have a workplace that respects American workers and recognizes that we do discourage illegal immigration and encourage employers to hire both legal immigrants and those who are American citizens, that we can find a way to respond to the gentleman's concerns, and I thank him for bringing this to our attention.

Mr. Speaker, many of the American public who have watched us over this past time frame of dealing with the appropriations process may have wondered what all of the bickering was about. In fact, they may have wondered why the bickering, with the most prosperous peacetime over a period of time that we have seen in a number of years. Consistent prosperity. It seems ludicrous to many who would study the issues of economics that we find ourselves at a point where we are denying services to the American public under the precept of an across-the-board cut at a time when there is great prosperity.

So the problem, I think, is that we are either misrepresenting to the American public, playing our own private games, or failing to recognize our responsibility to work in a bipartisan manner to address the needs of this country.

It is important to note that just a couple of months ago the Republican majority was offering a \$792 billion tax cut. What was that based upon, particularly when we now are debating the idea of an across-the-board cut? And as I continue in my discussion, I think my colleagues will see the people who are negatively impacted by such a cut.

Well, the \$792 billion tax cut was based upon presumptions and good news and the hope that something would happen, and that was that if the peacetime economy was to continue, there was some thought that the prosperity of this country would allow monies to be recouped on the \$792 billion tax cut. This is the same tax cut that most Americans said they did not want; the same tax cut that probably would give little benefit to working and middle class Americans; the same tax cut that would not have benefitted

the EITC, the earned income tax credit, recipients, those working poor who would benefit from their lump sum tax benefit, who in the last days were in the middle of a chopping block while we were talking about a \$792 billion tax cut.

So my call on my fellow colleagues is that as we have now voted on the last appropriations bill, of which it is quite obvious that the President will veto, when we have the opportunity to come back again, or if we go into major negotiations, might we put in front of all of the distinct and disparate political philosophies the fact that the American people have asked us to frugally, yet responsibly, and with compassion, deal with all of their needs.

I would hope when we come back to the table again that we would not deny 950,000 children the right to participate in after-school programs. Today, I had the privilege of conducting a hearing entitled "An Ounce of Previous Recollection Is Worth a Pound of Cure". It was a reaffirmation or a hearing regarding the testimony of advocates and participants in programs that children use after school. It was the children themselves, it was the participants in Boy Scouts and Campfire Girls, it was the YMCA, which indicated they are in 22,000 communities around this Nation.

If my colleagues could have heard those young people, 14 years old and 16 years old, tell their own personal stories. A 14-year-old Girl Scout, who is already a mother, says she belonged to a gang and that if she had not been steered away, through this program which receives complementary Federal funds to expand its program into lower income neighborhoods, she would not have been sitting in that hearing room today. She got off drugs, or the enticement of drugs, she got away from gangs and began to understand how to behave as a girl, and she said she is now a better parent.

These programs, Mr. Speaker, are just one example of why the appropriations process is wrong, why this bill was wrong, and why we should go back to the drawing board and do the right thing for the American people.

#### CONTROVERSY OVER USE OF PRESIDENTIAL EXECUTIVE ORDERS AND PROCLAMATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, a steady increase in controversy over executive orders and presidential proclamations has arisen since Franklin Roosevelt's administration. Nevertheless, I am truly concerned about the comments of the President's Chief of Staff, John Podesta, as quoted in the current issue of U.S. News and World Report.

To quote Podesta: "Frustrated with the balky Republican Congress, Presi-

dent Clinton plans a series of executive orders and changes to the Federal Rules that he can sign into law without first getting the okay from GOP naysayers. There's a pretty wide sweep of things we're looking to do, and we're going to be very aggressive in pursuing it."

These statements are deeply disturbing and should be to all Americans. An unelected political bureaucrat is boasting to the American people about his plan to sidestep the Constitution. Sadly, Congress should not be surprised that this President's frustrated staff is looking to bypass Congress and implement their agenda. We have seen this before.

When the President issued his Executive Order on striker replacements, he attempted to do what had been denied him by the regular legislative process. In addition, when the President issued his proclamation establishing a national monument in Utah, he again tried to do what he had been unable to achieve through Congress.

Mr. Speaker, the founders expected national policy to be the result of open and full debate, hammered out by the legislative and executive branches. They believed in careful deliberation conducted in a representative assembly, subject to all the checks and balances that characterize our constitutional system. Having broken with England in 1776, they rejected government by monarchy and one-man rule. Nowhere in the Constitution is the President specifically given authority to issue these directives. The founders specifically placed all legislative powers in the Congress.

In the legislative veto decision in 1983, *INS vs. Chadha*, the Supreme Court insisted that congressional power be exercised "in accordance with a single, finely wrought and exhaustively considered, procedure." The Court said that the records of the Philadelphia Convention and the states ratification debates provide "unmistakable expression of a determination that legislation by the national Congress be a step-by-step, deliberate and deliberative process."

If Congress is required to follow this rigorous process, how absurd it is to argue that the President can accomplish the same result by unilaterally issuing an Executive Order or presidential proclamation. The President's controversial use of presidential directives skirt the constitutional process, offend the values announced by the court in the legislative veto case, and do serious damage to our commitment to representative government and the rule of law.

It is time to clarify the scope of executive authority vested in the presidency by Article II of the Constitution. Through its ability to authorize programs and appropriate funds, Congress can define and limit presidential powers. As Members, we must participate

in our fundamental duty of overseeing executive policies, passing judgment on them, and behaving as the legislative branch should.

Mr. Speaker, the road to tyranny does not begin by egregious usurpations, but by those which appear logical and meant to gain public support. We must not be lulled into complacency by these, because with absolute certainty, the ones that come later will be aimed directly at our fundamental liberties and representative self-government.

Remember, eternal vigilance is still the price of liberty.

#### NAVY'S HANDLING OF VESSEL REPAIRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise to bring up an issue which I brought up earlier last week and which I continue to fight, and that is that the U.S. Navy has done it again.

The day before yesterday I was informed that yet another U.S. naval vessel, the USNS *Kiluea*, is going to be sent to a South Korean shipyard for scheduled maintenance. The USNS *Kiluea* is one of several U.S. flagged Navy vessels that transport ammunition to our surface fleet, and recently the USNS was stationed with U.S. forces operating in and around the peacekeeping mission in East Timor.

Several weeks ago, the Navy and the Military Sealift Command issued a Far East request for proposal seeking bids for ship repair work on the USNS *Kiluea*.

□ 1815

To the surprise of no one, the bid that won was a foreign shipyard because it can dramatically underbid U.S. shipyards. And so once again, Mr. Speaker, the U.S. Navy and MSC is spending U.S. tax dollars to repair American naval vessels with foreign workers in a foreign land.

Incredibly, it seems that the U.S. military is bent on spending precious tax dollars in Japan, Korea, or Singapore to keep their shipyards operating and their workers employed but will not lift a hand for U.S. workers. That is the outrageous facts. Many of these vessels are entitled U.S. Navy ships.

Indeed, at the rate that the Navy is sending these jobs overseas, if Congress is not too careful and does not pay attention to this process, these Navy ships are going to have to be redesignated as Republic of Korea Navy ships.

Check this out. The Military Sealift Command, in violation of an amendment to Title 10, which I introduced, requires that U.S. naval vessels homeported in the United States must do their repair work, their normal repair

work, not emergency work, in U.S. shipyards.

My amendment included Guam under this, and Guam is part of the United States and the workers are U.S. citizens. And what my amendment asked was that the Navy put those ships that are under their control and are homeported, and many of these ships operate right out of Guam, they steam right by a U.S. shipyard operated by Americans, staffed by Americans, and they bid out the work, and these very ships go right past those workers up to a shipyard in South Korea.

This is more than about dollars and cents. This is about jobs. The fact is that foreign shipyards can always beat U.S. shipyards in terms of price, for several reasons.

First, foreign shipyards are in most cases subsidized. Second, foreign shipyards do not pay their workers decent wages. Third, foreign shipyards do not have to comply with health and safety work laws and environments. Finally, some shipyards are in foreign countries that have had their currencies devalued compared to the dollar. For all these reasons, foreign shipyards are cheaper than American. But they are certainly not any better.

What we are up against is the Navy's insistence that, through a series of ways of redefining where these ships are homeported, they have been able to escape the full application and the spirit and intent of Title 10, which is to take ships that are homeported in American ports, make sure that their work is done in American shipyards, their regular work.

What the Navy has done through the MSC is redefine these so that they can compete these out and give the work to foreign shipyards.

Our readiness continues to suffer on this. The internal Navy waiver process continues to be issued unabated. I am calling upon many of my colleagues here in the House, and some have already signed letters, but I am calling through a "dear colleague" letter to protest this effort directly to Secretary of Defense Bill Cohen.

This practice is wrong, it is harmful to the national security of the Nation, and it certainly hurts American workers.

#### REVISIONS FOR ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS, PURSUANT TO HOUSE REPORT 106-373, TO REFLECT ADDITIONAL NEW BUDGET AUTHORITY AND LESS IN OUTLAYS FOR EMERGENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL

RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106-373 to reflect \$0 in additional new budget authority and \$3,000,000 in additional outlays for emergencies. This will increase the allocation to the House Committee on Appropriations to \$564,472,000,000 in budget authority and \$597,574,000,000 in outlays for fiscal year 2000. This will increase the aggregate total to \$1,454,921,000,000 in budget authority and \$1,434,711,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 2466, the conference report accompanying the bill making appropriations for the Departments of Interior and Related Agencies for fiscal year 2000, includes \$158,000,000 in budget authority and \$42,000,000 in outlays for emergencies. An earlier statement indicated incorrectly that H.R. 2466 only allocated \$39,000,000 in additional outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6-7270.

#### REVISIONS FOR ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS, PURSUANT TO HOUSE REPORT 106-373, TO REFLECT ADDITIONAL NEW BUDGET AUTHORITY AND LESS IN OUTLAYS FOR EMERGENCIES

Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106-373 to reflect \$38,000,000 in additional new budget authority and \$293,000,000 less in outlays for emergencies. This will change the allocation to the House Committee on Appropriations to \$564,510,000,000 in budget authority and \$597,281,000,000 in outlays for fiscal year 2000. This will increase the aggregate total to \$1,454,959,000,000 in budget authority and \$1,434,418,000,000 in outlays for fiscal year 2000.

As reported to the House, Division B of H.R. 3064, the conference report accompanying the bill making fiscal year 2000 appropriations for the District of Columbia, makes appropriations for the Departments of Labor, Health and Human Services, and Education and Related Agencies for fiscal year 2000. Division B includes \$2,348,000,000 in budget authority and \$1,298,000,000 in outlays for emergencies. These are \$38,000,000 more in budget authority and \$293,000,000 less in outlays than the revisions to the allocation for the House Committee on Appropriations made for consideration of H.R. 3037, the bill previously reported to the House making appropriations for the Departments of Labor, Health and Human Services, and Education and Related Agencies for fiscal year 2000.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6-7270.

#### FINANCIAL MODERNIZATION CONFERENCE REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.